Law Enforcement Best Practice Flow Diagram for Timber

The best practice flow diagram has been developed in order to lead law enforcement officials through the steps that should be completed when dealing with a load or shipment containing timber that is passing through a checkpoint, such as an international border crossing. The flow diagram represents the ideal case, however reality may dictate that actual processes need to differ to fit local conditions.

The particular law enforcement personnel involved in undertaking each step may change depending on jurisdiction. If the inspection takes place at an international border crossing these personnel will likely all form part of a coordinated border management program (CBM). For example, customs may inspect shipments with police taking over cases that become criminal investigations; in other circumstances customs may only deal with document checking and other agencies undertake physical inspections.

The flow diagram is designed to cover the general principles of dealing with timber at checkpoints and users should consider how each recommended step fits into their own organizational structure and division of responsibilities. In cases where there is any contradiction between the recommendations presented here and any local or national requirements, law enforcement officers must comply with the requirements of their jurisdiction.

The flow diagram is separated into three colour-coded, distinct sections:

- **Administrative verification:** refers to the document checking that must be completed prior to any physical examination or sampling of a timber load.

- **Physical verification:** refers to the process of checking whether the physical materials present in the shipment are consistent with the documentation and that all required documentation has been provided given the physical nature of the shipment.

- **Investigation:** an investigation will begin if and when any inconsistencies or concerns are raised as part of the physical verification.

Bold and underlined phrases indicate links to supporting documentation, available through the dynamic e-version of the flow diagram. Phrases in italics are further explained in the glossary.
1. Risk analysis/profiling (Doc.I) and selection for administrative examination
* Consider:
  - Region or country of origin/transit
  - Time of day/day of the week and port of entry used
  - Scientific vs. common names used
  - Previous compliance history (importer, exporter, transporter, logging company)
  - Description vs. Harmonized Systems (HS) code
  - Declared contents value vs. cost of transportation
  - Random administrative examination

2. Administrative examination
* Examine available documents (e.g. permits/certificates, invoices, customs, transport documents) and consider:
  - Are any documents missing?
  - Are all documents authentic?
  - Are all CITES permits/certificates valid and authentic (Doc.II)?
  - Is all information consistent between documents? e.g. names, valuations (declared value vs. transportation costs, dutiable vs. insured values), etc.
* Consider known smuggling patterns (Doc.III)
* Notify all concerned authorities if any documents are falsely declared

3. Physical examination
* Observe claimed identification on declaration, consider synonyms and common names.
* Undertake Rapid Field Identification of the timber (Doc.IV)
* Use all tools and support available
* Take notes, photographs and preserve the scene
* Consider other evidence which could indicate probable origin of shipment e.g. newspapers in the container from a particular country
* If insects are found, consider consultation with quarantine experts who may be able to provide location information based on insect identification

3.1 Was rapid field identification successful and sufficient to determine if controlled?

3.2 Define forensic questions that require answering to determine if timber is controlled
* Points to prove (Doc.V)
  - Genus
  - Species
  - Provenance (origin)
  - Age or individual

3.3 Is further expert forensic identification warranted and are sufficient funds available to cover analyses?

3.4 Obtain expert forensic identification (Doc.VI)
* Communicate with service provider (Doc.VII)
* Detain shipment if required and consider logistics
* Take appropriate samples
* Submit for analysis and receive identification result

3.5 Document the decision making process
* Proceed according to declared species
* Consider required improvements to facilitate identification in future

4. Did the results of the physical examination indicate sufficient grounds to seize the shipment?

2.1 Were issues raised through administrative examination or is random physical examination required?

Yes

Release if no other issues

No
6. CITES species (Doc.VIII)
* Check:
  - CITES appendices, annotations (Doc.IX)
  and exemptions (Doc.X)
  - Relevant HS codes (DocXI)

5. What kind of species does the shipment contain?

6.1 Is a CITES permit/certificate needed?

6.2 Check CITES permit/certificate requirements
* Appendix I (Doc.XIII):
  Import & export permit/export certificate
* Appendix II (Doc.XIV):
  Export permit/export certificate
* Appendix III (Doc.XV):
  Export permit or certificate of origin

6.3 Has a valid permit/certificate been provided?

7. Non-CITES species
* Check control in country of origin, consider:
  - Logging and export bans (Doc.XII)
  - Producer country legislation/requirements (WEB 1*)

7.1 Is species controlled in country of origin?

Release if no other issues

8. Open an investigation
* Consider logistics (Doc.XVI)
* Seize shipment
* Conduct investigation according to best practice (Doc.XVII) and comply with all local requirements
* Notify all concerned authorities if any documents are falsely declared

8.1 Does case require expert forensic identification of timber or other materials?

8.2 Define forensic questions
* Points to prove (Doc.V)
  - Genus
  - Species
  - Provenance (origin)
  - Age or individual

8.3 Obtain expert forensic identification (Doc.VI)
* Communicate with service provider (Doc.VII)
* Take samples (Doc.XVIII)
  - Timber
  - Other material e.g., foliage, insects, soil, mould
* Submit for analysis and receive identification result

Proceed with investigation

Glossary

Expert forensic identification: Scientific identification undertaken by experts according to strict standards; required for court proceedings; often a lengthy process; not always required to establish grounds for further investigation (see rapid field identification).

Rapid field identification: Tools and identification techniques available to non-experts; used to quickly establish a legal basis for intervention (e.g., seizure, provision of charging documents etc.); less accurate than expert forensic identification but adequate to establish grounds for further investigation.